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EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 17th February, 1966:—

BILL No. 12 OF 1966

A Bill further to amend the Delhi Land Reforms Act, 1954.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Delhi Land Reforms (Amendment) Act, 1966. Short title.

2. In section 3 of the Delhi Land Reforms Act, 1954 (hereinafter referred to as the principal Act),— Amendment of section 3.

(a) for clause (6), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

“(6) “Deputy Commissioner” includes—

(i) a Collector;

(ii) an Additional Collector;

(iii) a Revenue Assistant empowered by the Chief Commissioner by notification in the Official Gazette to discharge all or any of the functions of a Deputy Commissioner under this Act; and

(iv) an Assistant Collector of the first grade or class empowered as aforesaid;";

(b) for clause (19A), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

“(19A) “Revenue Assistant” includes any Assistant Collector of the first grade or class empowered by the Chief Commissioner to perform all or any of the functions of a Revenue Assistant under this Act;”.

Amend-
ment of
section
13.

3. In section 13 of the principal Act, in sub-section (1), for clause (f), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

“(f) a tenant of or over twelve years in Shahdara Circle and a non-occupancy tenant in any part of the Union territory of Delhi other than a non-occupancy tenant referred to in clause (d);”.

Valida-
tion of
action
taken
under
sections
11 and 13.

4. Notwithstanding anything to the contrary contained in the principal Act or in any other law for the time being in force or in any judgment, decree or order of any court,—

(a) all declarations (whether general or individual) conferring or purporting to confer Bhumidhari rights in favour of any person or class of persons under any of the clauses (a) to (c) of sub-section (1) of section 11, or in favour of any tenant or class of tenants under any of the clauses (a) to (h) of sub-section (1) of section 13, of the principal Act, made before the 5th day of February, 1966, by the Deputy Commissioner or a Revenue Assistant (whether or not such Revenue Assistant was empowered by the Chief Commissioner to discharge all or any of the functions of a Deputy Commissioner), shall be deemed to be, and to have always been, made by such Deputy Commissioner or, as the case may be, Revenue Assistant in accordance with law and the persons or class of persons or the tenants or class of tenants in whose favour any such declaration has been made shall be deemed to have been validly and lawfully declared as Bhumidhars:

Provided that nothing herein contained shall affect the right of any person to call in question any such declaration on

the ground only that the entries in the revenue records on the basis of which such declaration has been made are incorrect;

(b) all suits, appeals and other proceedings relating to any such declaration pending before any court or other authority immediately before the 5th day of February, 1966, other than those based on the ground referred to in the proviso to clause (a), shall, on that date, be deemed to have abated.

2 of 1966.

5. (1) The Delhi Land Reforms (Amendment) Ordinance, 1966, is hereby repealed.

Repeal
and
saving

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 5th day of February, 1966.

STATEMENT OF OBJECTS AND REASONS

Bhumidhari rights were conferred under sections 11 and 13 of the Delhi Land Reforms Act, 1954, by general declarations issued by the Deputy Commissioner, Delhi, followed by specific declarations in individual cases made by the Revenue Assistant. Recently, the Punjab High Court held these declarations to be void on the ground that the Deputy Commissioner ought to have made the declarations in individual cases and that the Revenue Assistant who made the declarations did so without being empowered to discharge the functions of the Deputy Commissioner. The Court also held that the scope of clause (f) of section 13 (1) of the Act did not extend to areas outside the Shahdara Circle and that Bhumidhari rights could not have been conferred on non-occupancy tenants outside the Shahdara Circle under that clause. Over 75,000 persons had been declared as Bhumidhars under sections 11 and 13 and these included over 16,000 non-occupancy tenants outside the Shahdara Circle, declared as Bhumidhars under clause (f) of section 13(1). The judgment had the effect of rendering nugatory the entire action taken under sections 11 and 13 of the Delhi Land Reforms Act, 1954 and gave rise to considerable anxiety among the peasantry in Delhi. In order to protect the interests of persons who had been enjoying Bhumidhari rights under the Delhi Land Reforms Act, 1954, the Delhi Land Reforms (Amendment) Ordinance, 1966, was promulgated on 5th February, 1966.

This Bill seeks to replace the Ordinance.

NEW DELHI;

G. L. NANDA.

The 9th February, 1966.

S. L. SHAKDHER,
Secretary.